

FILED

**UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA**

APR 26 2006

U.S. MAGISTRATE JUDGE
DISTRICT OF NEVADA

BY _____ DEPUTY

IN THE MATTER OF THE) 3:06-MJ-0023-VPC
SEARCH OF:)

The Residence Located at 12720) **MINUTES OF THE COURT**
Buckthorne Lane, Reno, Nevada,)
and Storage Units 136, 140, 141,) April 28, 2006
142, and 143, Double R Storage,)
888 Maestro Drive, Reno, Nevada.)

SEALED DOCKET

PRESENT: THE HONORABLE VALERIE P. COOKE, U.S. MAGISTRATE JUDGE

DEPUTY CLERK: LISA MANN REPORTER: NONE APPEARING

COUNSEL FOR PETITIONER(S): NONE APPEARING

COUNSEL FOR RESPONDENT(S): NONE APPEARING

MINUTE ORDER IN CHAMBERS:

On March 10, 2006, Dennis Montgomery, Brenda Montgomery, and the Montgomery Family Trust ("the Montgomerys") filed a motion to unseal the affidavit in support of the search warrants issued, the government responded and the Montgomerys replied. The Montgomerys requested an evidentiary hearing pursuant to Fed.R.Crim.P. 41(g), which has been set for May 3, 2006. On April 28, 2006, this court issued a minute order directing supplemental briefing on certain legal issues, and those points and authorities were to be filed simultaneously on April 26, 2006.

On April 26, 2006, the government made an *ex parte* request for an extension of time in which to file its brief, and the court granted that request. This court issued a minute order and granted both parties an extension of time, until April 28, 2006, to file the supplemental briefs. The court further ordered that in the event either party determined that the May 3, 2006 evidentiary hearing must be vacated, they were to provide written notice no later than Friday, April 28, 2006.

There appear to be serious concerns about the search warrants issued by this court as it relates to certain classified information. The parties are advised that this court has sealed all of the papers relating to this proceeding in an envelope, which is taped shut, and which bears this court's signature over the sealing tape. This envelope has been placed in the vault of the Clerk of the Court.

32

Given the nature of these proceedings, the court has determined that the May 3, 2006 evidentiary hearing is **VACATED**. The order requiring the parties to file simultaneous supplemental briefing is **VACATED**. The court will not accept any further telephonic communications from counsel for the parties, and the court directs that the parties file the appropriate motion or separate action addressing any issues relating to the government's concerns about classified information.

In accordance with the protocol established by the court for storage of papers related to this proceeding, this order shall also be sealed in an envelope, taped, the court will place its signature over the tape, and the order will also be stored in the vault of the Clerk of the Court.

IT IS SO ORDERED.

LANCE S. WILSON, CLERK

By: _____ /s/
Deputy Clerk



**United States District Court
District of Nevada**

Bruce R. Thompson U.S. Courthouse and Federal Building
400 South Virginia Street, Room 404
Reno, Nevada 89501

Chambers of Valerie P. Cooke
United States Magistrate Judge

Telephone: (775) 686-5855
Facsimile: (775) 686-5864

FAX TRANSMITTAL

DATE: April 28, 2006

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The Honorable Valerie P. Cooke
United States Magistrate Judge

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